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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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32641	7590	09/08/2006	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/739,576	ALLEN, PAUL G.
	Examiner Christopher M. Lambrecht	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-35 and 37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-35 and 37 have been considered but are moot in view of the new ground(s) of rejection.
2. The prior Office action objected to claim 36, indicating allowable subject matter. This indication is withdrawn in view of the new grounds of rejection.
3. Applicant's failure to adequately traverse facts Officially noticed in the prior Office action is treated as an admission of the facts so noticed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-9 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Nos. 6,097,441 and 6,104,334 to Allport in view of U.S. Patent No. 6,934,963 to Reynolds et al. (Reynolds).

Regarding claims 1 and 26, Allport discloses a remote control device and corresponding method for scheduling television recordings without interfering with a television program being currently watched on a television, comprising: a wireless

receiver for receiving television program schedule information from an interactive television system (the '441 patent, fig.4, col. 9, ll. 28-31; the '334 patent, col. 5, ll. 59-72); a display device for displaying the television program schedule information (the '441 patent, fig.1, item 15; the '334 patent, col. 5, ll. 59-62); an input device for receiving a user selection of a television program from the displayed television program schedule information (the '441 patent, fig.4, item 375, col. 16, ll. 10-11); and a wireless transmitter for transmitting an indication of the selected television program to the interactive television system to program a recording device to automatically record the selected television program (the '334 patent, fig.18, item 645, col. 27, ll. 41-51).

Allport fails to disclose transmitting commands to program a recording device to automatically record the selected television program, wherein the recording device is further to store background information for at least one television program for later display on the display device, as claimed. However, Allport does disclose display of background information for a television program on said display device (the '441 patent, col. 12, ll. 11-44), and that the remote control may transmit commands to a recording device for control thereof (the '441 patent, col. 10, ll. 40-42). In an analogous art, Reynolds discloses use a remote control to transmit an indication of a selected television program to program a recording device to automatically record the selected television program (col. 14, ll. 46-58, col. 15, l. 46 - col. 16, l. 10), wherein the recording device is further to store background information for at least one television program for later display on a display device, the background information including video previews,

thereby enabling the user to access interactive guide features at any time (col. 6, ll. 61-64, col. 20, ll. 14-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Allport to include transmitting an indication of the selected television program to the interactive television system to program a recording device to automatically record the selected television program, wherein the recording device is further to store background information for at least one television program for later display on the display device, the background information including video previews, as taught by Reynolds, for the benefit of enable user access to interactive guide features at any time.

Regarding claim 2, the claimed “wireless receiver comprises a radio-frequency receiver” is met by the RF Antenna 280 [441 reference, Fig. 4], which can receive information sent from the base station unit 75 [441 reference, col. 10, lines 17-18].

Regarding claim 3, the claimed “wireless receiver comprises an infrared receiver” is met by IrDA port 360 [441 reference, Fig. 4], which can receive information sent from the base station unit 75 [441 reference, col. 10, lines 17-18].

Regarding claim 4, the claimed “processor integrated with the remote control for generating an electronic programming guide from the television program schedule information, the electronic programming guide for display on the display device” is met by the processor 605 of Figure 18 [334 reference], which can process, list, and browse TV schedules on the display [334 reference, col. 5, lines 59-62].

Regarding claim 5, the claimed “electronic programming guide comprises a plurality of rows corresponding to channels and a plurality of columns corresponding to time slots” is met by Fig. 5, which shows the TV schedule sorted according to Channel and time [334 reference, Fig. 5].

Regarding claim 6, Allport in view of Reynolds discloses the device of claim 4, as discussed above, wherein the indication of the television program comprises an indication of at least a channel and a start time (Reynolds, col. 15, ll. 35-56).

Regarding claim 7, Allport in view of Reynolds discloses the device of claim 6, as discussed above, but fails to disclose the use of a VCRPlus code. Official notice is taken that it is well known in the art to use VCRPlus codes as a way of effecting recording of programs without the user having to know and/or program the details of the recording. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize VCRPlus codes to simplify the automatic programming of the recording device.

Regarding claim 8, the claimed “wireless receiver is to receive a secondary television signal from the interactive television system for display on the display device” is met by the capability of the display device to display images produced by broadcast TV signals [441 reference, col. 6, lines 18-20] and the fact that the data streams pass from the base station unit 75 to the remote control 10 via wireless communications capable of transmitting full motion vide [441 reference, col. 10, lines 9-15].

Regarding claim 9, the claimed “display device is touch sensitive, such that the television program is selected in response to a user touching an indication of the television program on the display device” is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].

Regarding claim 27, the claimed “wherein the network stores a database comprising the television program schedule information, and wherein receiving comprises receiving the television program schedule information from the network” is met by the ability to download the TV schedule information from the internet (inherently a database connected to the internet) and use that TV schedule in the system [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 28, the claimed “wherein the network comprises a cable network” is met by the mention of Cable TV as a source of video and audio signals 85 with embedded HTML (such as EPG data) [441 reference, Fig. 3].

Regarding claim 29, the claimed “method of claim 26, wherein transmitting comprises transmitting the television program schedule information from a wireless transmitter in the set top box to a wireless receiver in the remote control” is met by the RF antenna 185 of Figure 3 [441 reference], which serves to send data and television signals to the remote control. The TV schedules can be downloaded over this link [334 reference, col. 5, lines 59-62] and television signals can be displayed over this link [441 reference, col. 10, lines 9-15].

Regarding claim 30, the claimed “method of claim 26, wherein displaying comprises generating an electronic programming guide from the television program schedule information for display on the display device” is met by the processor 605 of Figure 18 [334 reference], which can process, list, and browse TV schedules on the display [334 reference, col. 5, lines 59-62].

Regarding claim 31, the claimed “electronic programming guide comprises a plurality of rows corresponding to channels and a plurality of columns corresponding to time slots” is met by Fig. 5, which shows the TV schedule sorted according to Channel and time [334 reference, Fig. 5].

Regarding claim 32, Allport in view of Reynolds discloses the method of claim 30, as discussed above, wherein the indication of the television program comprises an indication of at least a channel and a start time (Reynolds, col. 15, ll. 35-56).

Regarding claim 33, Allport in view of Reynolds discloses the method of claim 32, as discussed above, but fails to disclose the use of a VCRPlus code. Official notice is taken that it is well known in the art to use VCRPlus codes as a way of effecting recording of programs without the user having to know and/or program the details of the recording. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize VCRPlus codes to simplify the automatic programming of the recording device.

Regarding claim 34, the claimed “wireless receiver is to receive a secondary television signal from the interactive television system for display on the display device

integrated with the remote control” is met by the capability of the display device to display images produced by broadcast TV signals [441 reference, col. 6, lines 18-20] and the fact that the data streams pass from the base station unit 75 to the remote control 10 via wireless communications capable of transmitting full motion vide [441 reference, col. 10, lines 9-15].

Regarding claim 35, the claimed “display device is touch sensitive, such that the television program is selected in response to a user touching an indication of the television program on the display device” is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].

6. Claims 10-25, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport in view of Business Wire (Non-Patent Literature, PocketTV Brings Video to Palm-size PC), further in view of Reynolds.

Regarding claim 10, Allport discloses a set top box configured to provide a television signal to a first display device, the set top box further configured to store television program schedule information (base station unit 75 sends television signals to TV via line 105, fig.2, and contains flash ROM 210, fig.3, for storing working information, e.g., TV schedules that can later be downloaded to the remote control; the ‘441 patent, col. 14, ll. 25-29); a remote control for the set top box configured to receive the television program schedule information from the set top box using a wireless method

(the '441 patent, wherein the remote control of Figure 4 receives data streams from base station unit 75 through RF antenna 280, col. 9, ll. 28-31; the data streams consist of HTML schedule data, col. 6, ll. 49-54); the TV schedules can be downloaded into the memory of the remote and then listed and browsed, the '334 patent, col. 5, ll. 59-62); a remote control comprising a second display device configured to display the television program schedule information (the LCD screen of the '441 patent, fig.1, which can display TV schedule information; the '334 patent, col. 5, ll. 59-62), the remote control further comprising a storage device to store a secondary television signal from the set top box for later display on the second display device (the '441 patent, col. 6, ll. 18-20, col. 10, ll. 9-15).

Allport fails to disclose video information can be stored on the remote control device for later viewing at the remote control device. However, in an analogous art, Business Wire discusses a PocketTV system that allows the storage and viewing of stored content at a hand-held device. Paragraph one discloses that the PocketTV is an MPEG movie viewer on a handheld PC. Paragraph two discloses that the handheld PC can store the MPEG movies in a highly compressed memory at the handheld device. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store video content at the handheld device for later viewing, to facilitate portable video storage and playback.

Allport in view of Business Wire fails to disclose the storage device is further to store background information for at least one television program for later display on the

display device, as claimed. However, Allport does disclose display of background information for a television program on said display device (the '441 patent, col. 12, ll. 11-44). In an analogous art, Reynolds discloses a storage recording device further to store background information for at least one television program for later display on a display device, the background information including video previews, thereby enabling the user to access interactive guide features at any time (col. 6, ll. 61-64, col. 20, ll. 14-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport in view of Business Wire such that the storage device is further to store background information for at least one television program for later display on the display device, the background information including video previews, as taught by Reynolds, for the benefit of enable user access to interactive guide features at any time.

Regarding claim 11, the claimed set top box comprises a wireless transmitter configured to transmit the television program schedule information and secondary television signal to the remote control" is met by the RF antenna 185 of Figure 3 [441 reference], which serves to send data and television signals to the remote control. The TV schedules can be downloaded over this link [334 reference, col. 5, lines 59-62] and television signals can be displayed over this link [441 reference, col. 10, lines 9-15].

Regarding claim 12, the claimed "wireless transmitter comprises at least one of a radio-frequency transmitter and an infrared transmitter" is met by the RF Antenna 185 [441 reference, Fig. 3], which can send information from the base station unit 75 to the remote control [441 reference, col. 10, lines 17-18].

Regarding claim 13, the claimed “remote control comprises a wireless receiver configured to receive the television program schedule information and the secondary television signal from the wireless transmitter in the set top box” is met by the 441 reference, wherein the remote control of Figure 4 receives data streams from base station unit 75 through RF antenna 280 [441 reference, col. 9, lines 28-31]. The data streams consist of TV schedule data [334 reference, col. 5, lines 59-72] and secondary television signals [441 reference, col. 10, lines 9-15].

Regarding claim 14, the claimed “wireless receiver comprises at least one of a radio-frequency receiver and an infrared receiver” is met by the RF Antenna 280 [441 reference, Fig. 4], which can receive information sent from the base station unit 75 [441 reference, col. 10, lines 17-18].

Regarding claim 15, the claimed “network stores a database comprising television program schedule information, and wherein the set top box comprises a network interface configured to access the database and receive the television program schedule information from the network” is met by the ability to download the TV schedule information from the internet (inherently a database connected to the internet) and use that TV schedule in the system [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 16, the claimed “network comprises a cable network” is met by the mention of Cable TV as a source of video and audio signals 85 with embedded HTML (such as EPG data) [441 reference, Fig. 3].

Regarding claim 17, Reynolds discloses that the set top box is configured to receive automatic updates of the television program schedule information from the network (col. 6, ll. 7-28).

Regarding claim 18, Allport in view of Business Wire further in view of Reynolds discloses the method of claim 17, but fails to disclose that the automatic updates of the television program schedule information are received using a carousel technique. Official notice is taken that it is well known in the art to provide EPG information using a carousel distribution techniques. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically update the television schedule information using a carousel delivery technique, in order to provide the most current EPG information to the user without the user having to actually make a physical request for the information, thereby providing a user-free download of the most current EPG data.

Regarding claim 19, the claimed “set top box is configured to receive the television program schedule information in response to a request from the set top box” is met by the ability for the consumer and therefore, the set top box to request information from the internet or other data source and download it into the memory of the remote control [334 reference, col. 6, lines 26-30].

Regarding claim 20, the claimed “remote control comprises a processor configured to generate an electronic programming guide from the television program schedule information, the electronic programming guide for display on the second display

device” is met by the processor 605 of Figure 18 [334 reference], which can process, list, and browse TV schedules on the display [334 reference, col. 5, lines 59-62].

Regarding claim 21, the claimed “electronic programming guide comprises a plurality of rows corresponding to channels and a plurality of columns corresponding to time slots” is met by Fig. 5, which shows the TV schedule sorted according to Channel and time [334 reference, Fig. 5].

Regarding claim 22, the claimed “electronic programming guide comprises at least one indication of a television program, and wherein the remote control comprises a wireless transmitter configured to transmit a control signal in response to a user selection of a television program from the electronic programming guide” is met by the IrDA port 645 of Figure 18 of the 334 reference, which controls devices by transmitting control commands through the port [334 reference, col. 27, lines 41-51]. Column 6, lines 2-5 teach the ability to send an IR Command to devices to effect the playing of the program selected by the consumer [334 reference, col. 6, lines 2-5]. Also, column 15, lines 31-41 teach that a user can select a program for recording and the IR port sends IR commands right away or in the future to effect recording of the desired program [334 reference, col. 15, lines 31-41].

Regarding claim 23, the claimed “system of claim 22, wherein the control signal is configured to cause the first display device to display the selected television program” is met by column 6, lines 2-5 of the 334 reference, wherein Allport teaches the ability to

send an IR Command to devices to effect the playing of the program selected by the consumer [334 reference, col. 6, lines 2-5].

Regarding claim 24, the claimed “system of claim 22, wherein the control signal is configured to cause a video recording device to record the selected television program” is met by column 15, lines 31-41 of the 334 reference, wherein Allport teaches that a user can select a program for recording and the IR port sends IR commands right away or in the future to effect recording of the desired program [334 reference, col. 15, lines 31-41].

Regarding claim 25, the claimed “second display device is touch sensitive, such that the television program is selected in response to a user touching an indication of the television program on the second display device” is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].

Regarding claim 37, the claimed “system of claim 10, wherein the storage device comprises a hard drive” is met by the CompactFlash card discussed in the BUSINESS WIRE reference (see Applicant’s specification, page 14, lines 3-6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht
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